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[TERMINAL DISCLAIMER TO OBVIATE
DOUBLE PATENT REJECTION OVER A PRIOR PATENT]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Richard Anderson, et al.,

Title : METHOD OF MAKING METALS AND OTHER ELEMENTS
FROM THE HALIDE VAPOR OF THE METAL

Serial No. : 09/264,577

Filing Date : March 8, 1999

Art Unit : 1742

Examiner : G. Wyszomierski

Date : December 7, 2000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on

December 11, 2000

Date of Deposit

Jaqueline Gause

Signature

12-11-00

Date of Signature

Asst. Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

Petitioner, International Titanium Powder, LLC, is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 5,779,761 and 5,958,106. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This

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agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.


The undersigned (whose title is supplied below) is empowered to act on behalf of petitioner.

Documentary evidence of a chain of title from the above-captioned applicant, the inventors and original owners, to petitioner is recorded in the Office at Reel 9815, Frame 0070. This documentary evidence has been reviewed, and petitioner hereby certifies that, to the best of petitioner's knowledge and belief, title is to petitioner.

The undersigned hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and

that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

12/11/00
Date


Signature

HARRY M. LEVY, Attorney for Petitioner

Emrich & Dithmar
Attorneys for Applicant
300 South Wacker Drive, 3000
Chicago, IL 60602
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The Terminal disclaimer fee under 37 CFR 1.290(d) is included.
The PTO suggested wording for this terminal disclaimer was unchanged.